

TEXT OF FINAL REGULATIONS

Current wording is indicated by regular type.
Originally proposed deletions are indicated by ~~strikeout~~.
Originally proposed additions are indicated by underline.

TITLE 3. CALIFORNIA CODE OF REGULATIONS DIVISION 6. PESTICIDES AND PEST CONTROL OPERATIONS CHAPTER 2. PESTICIDES SUBCHAPTER 4. RESTRICTED MATERIALS ARTICLE 1. RESTRICTED MATERIALS

Amend section 6400 by adding to subsection (e) in alphabetical order:

6400. Restricted Materials.

The Director designates the pesticides listed in this section as restricted materials.

(a) Any pesticide labeled as a "restricted use pesticide" pursuant to section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (Title 7, United States Code, section 136a).

(b) Any pesticide used under an "emergency exemption" issued pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (Title 7, United States Code, section 136p).

(c) Pesticides formulated as a dust, labeled to permit outdoor use, and packaged in containers of more than 25 pounds, except:

(1) products containing only exempt materials specified in section 6402; and

(2) products containing only carbaryl, disulfoton, endosulfan, lindane, strychnine, zinc phosphide or an active ingredient not otherwise included in this section, and labeled only for one or more of the following uses: home use, structural pest control, industrial use, institutional use, and use by public agency vector control districts pursuant to section 116180 of the Health and Safety Code.

(d) Pesticide products containing active ingredients listed in section 6800(a) (potential to pollute groundwater), when labeled for agricultural, outdoor institutional, or outdoor industrial use.

(e) Certain other pesticides:

Acrolein, when labeled for use as an aquatic herbicide

Aldicarb (Temik)

Aluminum phosphide (Phostoxin)

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Methyl Iodide

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NOTE: Authority Cited: Sections 14004.5 and 14005, Food and Agricultural Code.

Reference: Sections 14004.5 and 14005, Food and Agricultural Code.

ARTICLE 4. FIELD FUMIGATION USE REQUIREMENTS

Adopt section 6446 to read:

6446. Methyl Iodide - General Requirements.

The provisions of section 6446.1 apply to field soil fumigation using methyl iodide within the Sacramento Metro, San Joaquin Valley, South Coast, Southeast Desert, or Ventura ozone nonattainment areas below during the May 1 through October 31 time period. Replant of individual vine or tree-sites (tree holes) less than one contiguous acre is not considered field soil fumigations under the provisions of section 6446.1.

NOTE: Authority cited: Sections 11456, 12976, 14005, and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006, and 14102, Food and Agricultural Code.

Adopt section 6446.1 to read:

6446.1 Methyl Iodide Field Fumigation Methods.

(a) The field soil fumigation of methyl iodide is limited to methods specifically identified in the labeling.

(b) Notwithstanding subsection (a), a method for experimental research purposes pursuant to a valid research authorization issued according to section 6260 may be allowed.

NOTE: Authority cited: Sections 11456, 12976, 14005, and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006, and 14102, Food and Agricultural Code.

Amend section 6452.2 to read:

6452.4. Annual Volatile Organic Compound Emissions Inventory Report.

(a) The Director shall issue an annual emissions inventory report for the Sacramento Metro, San Joaquin Valley, South Coast, Southeast Desert, and Ventura ozone nonattainment areas. The emission inventory report must:

(1) report the total agricultural and structural (fumigant and nonfumigant) pesticide volatile organic compound (VOC) emissions for the previous years. Nonfumigant pesticide product emissions will be the summation of the pounds of each pesticide product used multiplied by the VOC content (emission potential) for the specific product. Fumigant product emissions will be the summation of the pounds of each pesticide product used multiplied by the emission potential for that specific product and VOC emission rating for the application method, as specified in (5);

(2) evaluate compliance with the total pounds of agricultural and structural VOC emissions specified in section 6452.2;

(3) establish fumigant emissions limits pursuant to section 6452.2 for the upcoming year;

(4) establish an emission rating for each field fumigation method described in sections 6446.1, 6447.3, 6448.1, 6449.1, 6450.1, 6450.2, 6451.1, or 6452. The emission rating will be expressed as a percentage of the amount of fumigant applied. The Director shall base the emission rating upon available scientific data documenting the VOC emissions.

(b) A draft emission report shall be made available to the public for comment. A 45-day public comment period will be provided to allow for submission of written statements or arguments to the Director for review before finalizing the Annual Volatile Organic Compound Emission Report. The emission report will be posted on the Department's Web site.

NOTE: Authority cited: Sections 11456, 12976, 14005, and 14102, Food and Agricultural Code.
Reference: Sections 11501, 14006, and 14102, Food and Agricultural Code.

SUBCHAPTER 2. WORK REQUIREMENTS

ARTICLE 1. PEST CONTROL OPERATIONS GENERALLY

Amend section 6624 to read:

6624. Pesticide Use Records.

(a) The following persons shall maintain records of pesticide use:

(1) Any person who uses a pesticide for an agricultural use as defined in Food and Agricultural Code section 11408, other than use on livestock as defined in Food and Agricultural Code section 18663;

(2) Any person who uses a pesticide listed in section 6400;

(3) Any person engaged for hire in the business of pest control;

(4) Any person who uses a pesticide for industrial post-harvest commodity treatment; and

(5) Any person who uses a pesticide listed in section 6800(b) for any outdoor institution or outdoor industrial use.

(b) The records shall include the following information for each pest control operation:

(1) Date of application;

(2) Name of the operator of the property treated;

(3) Location of property treated;

(4) Crop commodity, or site treated;

(5) Total acreage or units treated at the site; and

(6) Pesticide, including the U.S. Environmental Protection Agency (U.S. EPA) or State registration number which is on the pesticide label, and amount used.

(c) In addition to the information required in subsection (b), the operator of the property which is producing an agricultural commodity, and an agricultural pest control business applying pesticides to such property, shall include in the records the following information for each pest control operation:

(1) Location of the property treated, by county, section, township, range, base and meridian;

(2) Hour the treatment was completed;

(3) The operator identification number issued to the operator of the property treated;

(4) The site identification number issued to the operator of the property treated;

(5) Total acreage (planted) or units at the site; and

(6) Name or identity of the person(s) who made and supervised the application, if the pesticide application was made by an agricultural pest control business.

(d) The operator of the property which is producing an agricultural commodity shall maintain records of pesticides applied by an agricultural pest control business to such property, by site.

(e) In addition to the information required in (b), effective January 1, 2002, persons engaged for hire in the business of pest control at a school site [defined in Education Code section 17609(e)] shall include in the records the following information for each pest control operation:

- (1) Time application was completed;
- (2) Name and address of the school site; and
- (3) Application location at the school site. For purposes of this subsection, location includes, but is not limited to, classrooms, playgrounds, cafeteria, vehicles, and athletic fields.

(f) In addition to the information required in subsections (b) and (c), persons who use methyl bromide, 1,3-Dichloropropene, chloropicrin, metam-sodium, N-methyl dithiocarbamate (metam-potassium), dazomet, methyl iodide, or sodium tetrathiocarbonate field fumigants within the Sacramento Metro, San Joaquin Valley, South Coast, Southeast Desert, or Ventura ozone nonattainment areas shall include in the records a description of the method of application pursuant to sections 6446.1, 6447.3, 6448.1, 6449.1, 6450.1, 6450.2, 6451.1, or 6452.

(g) The records required pursuant to this section shall be retained for two years and made promptly available to the director or commissioner upon request.

NOTE: Authority cited: Sections 12976, 13145, 13188, and 14005, Food and Agricultural Code. Reference: Sections 11501, 11708, 11733, 13186, 14006, and 14011.5, Food and Agricultural Code

CHAPTER 4. ENVIRONMENTAL PROTECTION

SUBCHAPTER 2. AIR

ARTICLE 1. TOXIC AIR CONTAMINANTS

Amend section 6860(b) to read:

6860. Toxic Air Contaminants List.

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(b) The following pesticides are designated toxic air contaminants to implement Food and Agricultural Code section 14021:

- Acrolein
- Arsenic acid
- Arsenic pentoxide
- Arsenic trioxide
- Captan
- Carbaryl
- Carbon disulfide-generating pesticides
- Chlorine
- Chromic acid
- m-Creosol
- 2,4-D salts and esters
- 1,4-Dichlorobenzene
- 1,3-Dichloropropene
- Dichlorovos
- Ethylene oxide

Formaldehyde
Hydrochloric acid
Lindane
Mancozeb
Maneb
Methanol
Methoxychlor
Methyl bromide
Methyl iodide
Naphthalene

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NOTE: Authority cited: Sections 11456 and 14023, Food and Agricultural Code.
Reference: Sections 14021 and 14023, Food and Agricultural Code.